FILED
Court of Appeals
Division II
State of Washington
7/5/2022 2:58 PM
NO. 56498-0-II

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON DIVISION II

STATE OF WASHINGTON,
Respondent,

v.

Timothy Michael Foley,
Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF KITSAP COUNTY, STATE OF WASHINGTON
Superior Court No. 20-1-00277-18

BRIEF OF RESPONDENT

CHAD M. ENRIGHT
Prosecuting Attorney

John L. Cross
Deputy Prosecuting Attorney
614 Division Street
Port Orchard, WA 98366
(360) 328-1577

SERVICE	
Jodi R. Backlund/ Manek Mistry PO Box 6490 Olympia, Wa 98507-6490 **backlundmistry@gmail.com**	Service was electronic, or if no email address appears at left, via U.S. Mail. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. DATED July 5, 2022, Port Orchard, WA **Original to Court of Appeals; Copy as listed at left.**

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES

ADMINISTRATIVE DECISIONS

STATUTORY AUTHORITIES

RULES AND REGULATIONS

I. COUNTERSTATEMENT OF THE ISSUES

1. Whether the two warrants in the case that resulted in the discovery of the pictures used to prosecute Foley were unconstitutional because lacking in probable cause for the crime committed, lacking in probable cause to allow search of the item seized, lacking in particularity with regard to both the cellphone to be seized and with regard to the search of the cellphone, and because the trial court refused to consider information from outside the four corners of the warrant?

2. Whether double jeopardy is violated by the "without prejudice" dismissal of duplicative convictions or whether double jeopardy is violated, the unit of prosecution violated, by sentencing Foley one count of second degree possession of depicts of minor engaged in sexually explicit conduct from the same incident that resulted in multiple convictions for first degree possession of depictions?

3. Whether conditions of sentence were improper? (CONCESSION OF ERROR IN PART)

4. Whether a supervision fee should have been assessed? (CONCESSION OF ERROR)

5. Whether the trial court erred in its findings of fact and conclusions of law deciding foley's suppression motion?

II. STATEMENT OF THE CASE

A. PROCEDURAL HISTORY

On December 7, 2020, a third amended information charged Timothy Foley, in counts I-VII, with first degree possession of depictions of minor engaged in sexually explicit conduct and in counts IX-XIV with second degree possession of such depictions, all counts aggravated by multiple current offenses. CP 185. A fourth amended information was filed correcting the date range on counts 1 through 8 (RP, 8/11/21, 41) and otherwise repeating the same counts and aggravators. CP 275.

The jury found Foley guilty on 11 counts. CP 310-314 (not guilty on counts 2 (first degree), 9 (second degree), and 10 (second degree)).

Motion to Suppress

Pretrial, Foley moved to suppress evidence. He moved to suppress "the Samsung cell phone seized on December 27, 2019, and all of his (sic) contents." CP 1. Foley argued that the warrant allowing seizure of the phone was not supported by probable cause and did not meet constitutional particularity requirements. CP 4. Foley further alleged that the search of the phone was overbroad. Id. Later, in his "Supplemental Motion to Suppress," Foley alleged a violation of *Franks v. Delaware*, 438 U.S. 154. CP 156.

Foley later moved to reconsider the trial court's denial of his claims. CP 214. The trial court denied the reconsideration motion as untimely asserted. CP 237-38.

The trial court's findings reveal that the matter involved two warrants. The warrants and the complaints for them are in the record together at clerk's papers 54-86. The first warrant was issued for evidence of the crimes of cyberstalking and disclosing intimate images. CP 67 (#2019066418). The

warrant directed search for and seizure of a cellular phone, number 360-990-4877, and the search of that phone. CP 68. Other than the statutory citation for cyberstalking, RCW 9.61.260, the complaint for the first search warrant does not contain the word "embarrass."

The complaint for the second warrant recites that the phone was seized pursuant to the first warrant. CP 81. The complaint establishes that a detective started a "cursory search" of the phone and quickly saw an image of "a female about 8-10 years old with her legs spread, exposing her vagina" with other similar depictions. CP 81. The detective stopped his cursory search. CP 81-82. The second warrant issued directing search of the phone for evidence of possession of depictions of minor. CP 84 (#2020000718).

Hearings pursuant to CrR 3.6 were convened. On August 3, 2020, the trial court heard extensive oral argument but did not rule. RP, 8/3/20. Later, the trial court heard additional argument on supplemental briefing and again did not rule. RP,

8/21/20. The trial court issued its oral and written decisions on September 18, 2020. RP, 9/18/20.

The trial court's written ruling was issued as findings and conclusions pursuant to CrR 3.6. CP 157 *et seq*. Regarding the first warrant, the trial court concluded that the issuing magistrate properly relied on information from a police database (CP 166) and that the warrant was sufficiently particular. CP 167. The trial court concluded that the second warrant was also supported by probable cause. CP 170.

The trial court also separately rejected Foley's supplemental *Franks*[1] claim. CP 181-184 (findings and conclusions); RP 10/9/20, 7.[2]

Posttrial, Foley moved to dismiss counts 6, 7, 12, and 13 specifically and all second degree counts generally on double

---

[1] *Franks v. Delaware,* 438 U.s. 154, 98 S.Ct. 2674, 57 L.Ed.2d 667 (1978).

[2] Foley sought interlocutory review of his motion to dismiss, denied by the trial court, because jeopardy had attached when jury selection was aborted by Covid concerns. Review was denied. No. 55575-1-II.

jeopardy grounds. CP 315. Counts 11, 12, and 13 were later dismissed. CP 384.

The first judgment and sentence contained errors. The trial court entered an amended judgment and sentence. CP 405. Foley was sentenced to 102 months. CP 408.

B. FACTS

Kitsap County Detective Lieutenant Chad Birkenfeld testified that he and Detective Swayze contacted Foley to conduct an interview and serve a search warrant for Foley's phone. IIRP 65-66. After interviewing Foley, the detectives collected the phone and ended contact with Foley. IIRP 68.

During the contact, Foley produced the phone and said he used it to access email, Facebook, and a website called "Xvideos." IIRP 243. Foley confirmed his phone number as 360-990-4877. Id. Foley advised that the phone did not have a password. Id. Foley admitted the online harassment that the detectives were investigating. IIRP 268-69.

Detective Birkenfeld turned on the phone as the

detectives drove from the interview. IIRP 69. In "one of the albums" on the phone, the detective saw what appeared to be "younger females, maybe ten to thirteen, in different sexual poses, pretty explicit." Id.

After returning to the sheriff's office, detective Swayze went to his office and looked through the phone. IIRP 273. The detective explained that the continued search was "Because I had a valid search warrant for the online harassment case, and I was looking for evidence related to that crime." IIRP 282.

A custodian of records from the T-Mobile phone company provided foundation for the admission of Foley's phone records. IIRP 93-94. Foley's name was attached to cellphone number 369-990-4877. IIRP 95.

Forensic analysis of Foley's phone resulted in creation of an external hard drive. IIRP 102. From that drive, detectives printed images which were admitted as state's exhibits. IIRP 105-05.

The hard drive from which the pictures were printed was prepared by Joan Runs Through, director of the Dixie State University crime lab. IIRP 121.

III. ARGUMENT

A. BOTH WARRANTS WERE PROPERLY ISSUED AND EXECUTED.

1. Unconstitutional Statute

For the first time on appeal, Foley claims that the first warrant fails because one of the crimes there particularized, cyberststalking, had been declared unconstitutional in *Rynearson v. Ferguson,* 355 F. Supp.3d 964 (W.D.Wash. 2019).[3] He is correct on the timing: The *Rynearson* decision is dated February 2, 2019, the warrant application is dated December 26, 2019.[4] However, that holding does not invalidate

[3] The statute has been recodified and omits the word "embarras" from the intent element. RCW 9A.90.0002.

[4] One of the cited unpublished Washington decisions following *Rynerson* was filed after the warrant application. *State v. Ford,* 19 Wn. App.2d 1048 (UNPUBLISHED)(November 2, 2021).

the present warrant.

A warrant must describe with particularity the things to be seized. *State v. Riley*, 121 Wn.2d 22, 28, 846 P.2d 1365 (1993) *citing State v. Perrone*, 119 Wn.2d 538, 545, 834 P.2d 611 (1992) . Further, "When the nature of the underlying offense precludes a descriptive itemization, generic classifications such as lists are acceptable." Id., *citing United States v. Spilotro,* 800 F.2d 959, 963 (9th Cir.1986). And, "In such cases, the search must be circumscribed by reference to the crime under investigation; otherwise, the warrant will fail for lack of particularity." Id.

In *Riley,* the warrant directed the search of Riley's home for "any fruits, instrumentalities and/or evidence of a crime." *Riley,* 121 Wn.2d at 26. The Court observed that "The warrant did not state the crime of computer trespass, or any other crime." Id. The warrant was overbroad, permitting "the seizure of broad categories of material and was not limited by reference to any specific criminal activity." 121 Wn.2d at 28.

The Court rejected the state's argument that an executing officer's personal knowledge of the crime involved could cure the defect. *Riley,* 121 Wn.2d at 28-29. Conceding that such knowledge may cure minor defects like transposed numbers in an address, the Court said

> However, where the inadequacy arises not in the warrant's description of the place to be searched but rather in the things to be seized, the officer's personal knowledge of the crime may not cure the defect.

121 Wn.2d at 29. The twin goals of limiting the executing officer's discretion and informing the citizen what is to be seized are met by a warrant that particularly describes the thing to be seized. Id.

In the present case, the thing to be seized under the first warrant was a cellphone assigned number 360-990-4877.[5] The detectives executing the warrant had no discretion to seize anything else under the warrant. Foley was clearly advised that the warrant authorized seizure of the phone.

Under *Riley,* the reference to cyberstalking is superfluous

---

[5] Foley disagrees with the particularity with which Foley's

to the identification of the thing to be seized. In this case there is no ambiguous list of things that might be subject to seizure as fruits or instrumentalities of "a crime." Thus, this case does not fall within the category of cases ("In such cases. . .") that require a particularized description of the crime under investigation in order to circumscribe police discretion and adequately advise the citizen. Foley's hypertechnical argument that a particularized crime must always be stated in the warrant fails.

Next, the legal question, whether RCW 9.61.260 was facially unconstitutional, has only recently been resolved by a Washington court. Foley cites two unpublished Washington decisions on the point that "have no precedential value and are not binding upon any court." GR 14.1. On March 8, 2021, in a published opinion, the Court of Appeals flatly held that "we find the cyberstalking statute applied to the private forum to be constitutional." *State v. Mireless,* 16 Wn. App.2d 641, 652, 482

---

phone was identified. Brief .

P.3d 942 (2021) *review denied* 198 Wn.2d 1018 (2021). This, in part, because "It punishes not the content of speech, but rather the selection of a victim and directing the speech in such a way as to cause a specific harm to them." 16 Wn. App.2d at 654. But the *Mireless* Court, without citing *Rynearson,* held that its constitutional holding required that the intent to "embarrass" be stricken from the statute. 16 Wn. App.2d at 655.

The *Mireless* Court determined that the unconstitutional provision, embarrass, could be severed from the cyberstalking statute leaving the constitutional provisions. 16 Wn. App.2d at 655. This because

> the term "embarrass" is not so intimately connected with the balance of the act that its removal frustrates the act's legislative purpose. The cyberstalking statute can still be used to prosecute those who utilize electronic communications to inflict harm upon their victims.

Id. (noting in footnote 7 that the embarrassment prong was not used to prosecute Mireless). Mireless's cyberstalking conviction was affirmed.

The affirmance of Mireless's conviction informs the present issue. Because the extant, unconstitutional provision was not used to prosecute Mireless, its existence on the face of the statute was of no accord. Without referencing the intent to "embarrass," the statute still constitutionally protects against harm inflicted with intent to harass, intimidate, or torment.

In the present case, the detectives made no reference to Foley's intent to "embarrass" the victim.[6] They were advised that Foley was harassing his ex-fiancé both "by phone and social media." CP 20, finding 1.2, CP 246. In fact, in this case the posting of the video of the victim having sex does not seem all that embarrassing since the victim had in the past consented to the posting of such material. CP 22. She said "personally, I could care less about some porn videos. . ." CP 25. The victim believed that Foley intended to affect "the custody of my

[6] Foley claims that "The search warrant affidavit relied on a single Facebook communication based on intent to "embarrass." citing to clerk's papers 21. Neither the word nor any statement that embarrassment was Foley's intent appears at CP 21.

children, future employment, and social standing." CP 23.

RCW 9.61.260 is not facially unconstitutional under Washington law. It was not error for the detectives to refer to that statute in this investigation. Foley was not searched or prosecuted on his intent to simply embarrass the victim of his harassment. Moreover, the issue is one that a jury may have had to resolve—Foley's actual intent being an issue of fact—not an issuing magistrate at a probable cause level of proof.

Finally, cyberstalking was not the only crime being investigated. The Complaint for the first warrant included that a pornographic video of the victim performing fellatio had been posted to a pornographic video website called "xvideo.com." CP 56 (The trial court incorporated the factual details of the warrant complaint at finding1.6, CP 246.). Although such things had been previously posted with the victim's consent, she "made it clear she had not given anyone, including TIM, permission to post the video she discovered." CP 57.

RCW 9A.86.010, in relevant part,

> (1) A person commits the crime of disclosing intimate images when the person knowingly discloses an intimate image of another person and the person disclosing the image:
> (a) Obtained it under circumstances in which a reasonable person would know or understand that the image was to remain private;
> (b) Knows or should have known that the depicted person has not consented to the disclosure; and
> (c) Knows or reasonably should know that disclosure would cause harm to the depicted person.

To establish probable cause, the affidavit supporting a search warrant must

> set forth facts and circumstances sufficient to establish a reasonable inference that the defendant is probably involved in criminal activity and that evidence of the crime can be found at the place to be searched.

State v. Thein, 138 Wn.2d 133, 140, 977 P.2d 582 (1999). There must "be a nexus between criminal activity and the item to be seized, and also a nexus between the item to be seized and the place to be searched." Id.

The evidence sought in the warrant, the cellphone, was reasonably related to an investigation of whether Foley had disclosed intimate images of the victim under circumstances where he knew or should have known that the victim had not

consented. The inference that Foley probably committed that crime is reasonable on the facts presented. Cyberstalking aside, the warrant stands on the probable cause for the crime of disclosing an intimate image.

2. Probable Cause to Search and Seize

Foley claims that the search warrants were overbroad. He claims a lack of probable cause for data in the cellphone and a failure to particularly describe both the phone and the data.

Authorization of a search warrant is reviewed for abuse of discretion. *State v. Denham*, 197 Wn.2d 759, 767, 489 P.3d 1138 (2021). With deference, "the trial court's assessment of probable cause is a legal conclusion we review de novo." Id. Whether or not a warrant contains a sufficiently particularized description of the items is reviewed de novo. *State v. Perrone*, 119 Wn.2d 538, 549, 834 P.2d 611 (1992). Appellate review of a warrant's sufficiency is confined to the four corners of the documents considered by the issuing magistrate. *State v. Vickers,* 148 Wn.2d 91, 110, 59 p.3d 58 (2002).

A warrant can be overbroad because it either authorizes a search for items for which probable cause exists but fails to describe those items with particularity, or it authorizes a search for items for which probable cause does not exist. *State v. Maddox*, 116 Wn. App. 796, 805, 67 P.3d 1135 (2003), *aff'd*, 152 Wn.2d 499, 98 P.3d 1199 (2004)). A warrant is entitled to presumptive validity and the defendant has the burden of showing otherwise. *State v. Chenoweth,* 160 Wn.2d 454, 477, 158 P.3d 595 (2007).

Warrant applications are considered in a commonsense and realistic fashion. *State v. Yokley*, 139 Wn.2d 581, 596, 989 P.2d 512 (1999). The magistrate is entitled to draw commonsense and reasonable inferences from the facts and circumstances set forth. *Yokley*, 139 Wn.2d at 596. Hypertechnical interpretations are to be avoided when reviewing search warrant affidavits. *State v. Freeman*, 47 Wn. App. 870, 737 P.2d 704, *review denied*, 108 Wn.2d 1032 (1987).

Probable cause entails

> facts and circumstances sufficient to establish a reasonable inference that the defendant is probably involved in criminal activity and that evidence of the crime can be found at the place to be searched.

State v. Thein, supra at 14; *see also Zurcher v. Stanford Daily*, 436 U.S. 547, 556, 56 L. Ed. 2d 525, 98 S. Ct. 1970 (1978) ("The critical element in a reasonable search is not that the owner of the property is suspected of crime but that there is reasonable cause to believe that the specific 'things' to be searched for and seized are located on the property to which entry is sought."). "[D]oubts as to the existence of probable cause [will be] resolved in favor of the warrant." *State v. J-R Distribs., Inc.*, 111 Wn.2d 764, 774, 765 P.2d 281 (1988).

As noted, "there must be a nexus between criminal activity and the item to be seized, and also a nexus between the item to be seized and the place to be searched." *State v. Thein, supra,* p. 14. But

> That nexus may be established either through direct observation or through normal inferences as to where the articles sought would be located. For that reason, a

> warrant may be upheld when the nexus between the items to be seized and the place to be searched rests not upon direct observation, but on the type of crime, nature of the items, and normal inferences [about] where a criminal would likely hide contraband.

State v. Perez, 92 Wn. App. 1, 5, 963 P.2d 881 (1998) (internal citation and quotation omitted.) *review denied* 137 Wn.2d 1035 (1999).

Warrants are severable: "'infirmity of part of a warrant requires the suppression of evidence seized pursuant to that part of the warrant' but does not require suppression of anything seized pursuant to valid parts of the warrant.'" *State v. Perrone*, 119 Wn.2d 538, 556, 834 P.2d 611 (1992).

Foley submits that the search of his cellphone was too broad because, under the heightened importance of particularity in searching such devices, the search was not sufficiently constrained. (Brief sec. II., A),*See State v. McKee*, 3 Wn. App.2d 11, 24-25, 413 P.3d 1049 (2018), *rev'd on other grounds*, 193 Wn.2d 271, 438 P.3d 528 (2019).

First, Foley argues that the crimes described in the first

warrant failed to establish probable cause for categories of information to be searched. Brief at 23-24. Foley opines that the elements of cyberstalking are not met by information in the warrant complaint. The state is aware of no authority in which elemental proof of the crime being investigated is required to support a warrant. Foley cites none in his argument.

The statute prohibits electronic communication "(a) Using any lewd, lascivious, indecent, or obscene words, images, or language, or suggesting the commission of any lewd or lascivious act." The issuing magistrate could easily find probable cause to believe Foley sent the subject video electronically from the information he received. But Foley argues that a video of his ex-girlfriend performing fellatio on another man is not a "lewd, lascivious, indecent, or obscene" image. This argument fails the above noted rule that commonsense interpretation should prevail.

Next, Foley complains that the warrant too broadly allowed search of "internet history," asserting no relationship

between internet history and the cyberstalking allegation. Brief at 26. But the probable cause here involved the posting of a lewd video to the internet. Moreover, this is further specified in the warrant as "images and data related to Xvideo.com profile "kelly_richardson" [the victim], internet history regarding Xvideos,com." CP 68. It is reasonable to infer that proof that Foley's cellphone sent the subject video to the internet would be found in the places specified. *See Thein, supra* at 17 ("a warrant may be upheld when the nexus between the items to be seized and the place to be searched rests not upon direct observation, but on the type of crime, nature of the items, and normal inferences [about] where a criminal would likely hide contraband.")

Next, Foley argues that there was no reason for "location sharing, and/or geofencing" used for tracking because there was no evidence presented that Foley was physically stalking the victim. Brief at 26. This issue turns on the allowable scope of the reasonable inferences the issuing magistrate can consider.

The warrant application includes allegations of domestic animosity rising to the level of possible cyberstalking and, as Foley puts it, posting revenge porn. Moreover, as noted, the victim alleged that Foley's behavior was intended to interfere with "the custody of my children, future employment, and social standing." CP 57. The victim described a history of physical and emotional abuse. Id. She found Foley's "unpredictable behavior" to be a threat to her and her son. Id. She was "afraid of the lengths he may go to get a response from me." Id. Foley was using electronic means to harass the victim and it is reasonable to infer that he may use other electronic means to continue to do so.

The record does not indicate that any information was taken from tracking apps or that any allegation of physical stalking was used to prosecute Foley. This authorization may be severed from the warrant and information drawn from that authorization suppressed. *State v. Perrone*, 119 Wn.2d 538, 556, 834 P.2d 611 (1992). The record discloses none. Portions

not tainted by this infirmity remain admissible. Id.

Foley similarly disputes that the crime of disclosing intimate images provides probable cause. Brief at 28. That is, Foley's argument begins by doubting proof of the elements of the offense. Brief at 28-29. With regard to internet history, the answer is the same. Foley was being investigated on credible accusations that he had posted a lewd video of the victim to the internet without her consent. And with regard to searching the location apps, the domestic threat was real and it is, again, reasonable to infer that in such circumstances that other means of electronic harassment were probable. Moreover, as argued, this provision may be severed and no damage is done to the scope of the remaining provisions.

Foley argues that the information supporting the first warrant was stale. Brief at 29. Timeliness of information is charged to the issuing magistrates discretion:

> The magistrate must decide whether the passage of time is so prolonged that it is no longer probable that a search will reveal criminal activity or evidence, i.e., that the

> information is stale. The magistrate makes this determination based on the circumstances of each case. Among the factors for assessing staleness are the time between the known criminal activity and the nature and scope of the suspected activity.

State v. Lyons, 174 Wn.2d 354, 360-61, 275 P.3d 314 (2012).

The detectives were ordered to search for evidence of the "fruits, instrumentalities and/or evidence of the crimes" cyberstalking and disclosing intimate images. CP 68. The victim called police on May 20, 2019 then alleging harassment "by phone and social media." CP 55. She stated that the harassment continued despite her efforts to stop it. CP 55-56. Detective Swayze describes with detail police efforts to verify electronic information, including obtaining and procuring records from Facebook (CP 78), researching IP addresses, and determining that the cellphone service provider was T-Mobile. CP 80; *see* finding 1.9, CP 159-60. Eventually, on December 20, 2019, police were able to verify Foley's address with his landlord. CP 81. The Complaint was sworn on December 26, 2019. CP 65.

The trial court found that the first warrant resulted from "A several month investigation increasingly implicated Timothy Foley as the perpetrator." CP 246, finding 1.3. The victim alleged continuing harassment. Police investigation efforts continued until six days before the warrant issued. It was reasonable to infer that the evidence sought was still on the phone. Further, the scope of the investigation was not constrained to the single instance of video posting. The victim alleged harassment "by phone and social media."

A reviewing magistrate should not be held to answering hypertechnical questions about computer operations. As a matter of common sense, Foley could have taken actions like trying to delete accounts, hide images in improper files, or otherwise hide his electronic activity anytime between the time of the report and the seizure of the phone. *See United States v. Seiver,* 692 F.3d 774 (2012)*, cert. denied,* 184 L. Ed.2d 703 (2013) (a deleted file will remain on a computer and will normally be recoverable by computer experts until

overwritten.); *accord State v. Garbaccio,* 151 Wn. App. 716, 214 P.3d 168 (2009) (evidence in the form of metadata can likely be found on computer hardware even if the contraband itself can no longer be viewed on the computer). Foley disregards that the warrant applicant swore that on training and experience he was aware that

> cell phones and computers can store thousands of pages of information in random order with deceptive file names. Evidence can be embedded into unlikely files for the type of evidence, such as a photo hidden in documents or vice versa. There is no particular way to describe the form the evidence might be in when found.
>
> Forensic software is capable of recovering files and data that the user has attempted to delete, or that was never intentionally saved to the computer by the user.

CP 64-65. The first warrant was not stale and the temporal restrictions Foley argues should have been imposed would eliminate discovery of later efforts to hide or delete the evidence sought.

Next, Foley argues that the phone itself was not adequately identified. Brief at 34. The warrant caption referred to a "Cell phone associated with phone number 360-990-4877,

expected to be located at 55 NE Brookdale Lane #D304, Bremerton, Washington." CP 67. The body of the warrant recited that the phone was expected to be found at the same address and authorized seizure of "cellular telephone assigned phone number 360-990-4877. " CP 68.

Foley's speculation about swapping SIM cards aside, the detectives here went to the address listed and Foley produced his cellphone. Foley then and there told the detectives that the phone number for his cellphone was 360-990-4877. IIRP 243. The detectives complied with the clearly understandable letter of the warrant. Moreover, Foley advances no explanation why this particular phone needs to be distinguished from all other phones on the planet. Brief at 35. The detectives got the right cellphone whether or not it contained the information they inferred that it would.

Next, Foley argues that the warrant inadequately cabined the detectives' discretion by not completely outlining what they were looking for; if internet history is allowed to be searched,

the warrant "should" have more particularly described the parameters of that search. Brief at 36-37. For instance, Foley thinks the warrant should have been sensitive to the timing of Foley's alleged internet activity. Brief at 37.

The lack of time restraints on the search of internet history is answered by the above discussion of stale information. The point of the investigation was to determine whether or not Foley had been cyberstalking the victim. The investigation was based, in part, on the victim's report that the harassment was continuing. Foley may have engaged in other like acts without the victim being aware and may have engaged in efforts to hide or delete evidence. The time limitations Foley wants would serve to frustrate the investigation.

The same considerations as above also attend Foley's argument that searching for "videos and images" without further restriction. Brief at 38. This investigation was wider than a search for the single video uploaded to the video porn site. The victim alleged harassment by phone, Facebook, and

email.

As noted, the blanket ability to search location apps may stand only if it is reasonable to infer under the circumstances that Foley's electronic activities extend beyond those specifically listed. Brief at 39. Otherwise, this authorization may be severed from the warrant.

Foley also claims allowing a search for "any data indicating dominion and control" was insufficiently particular. Brief at 40. Foley mixes the issue of the type of information sought, here dominion and control, and the places where that information might be found. The argument directed at the type of evidence is merely that the detectives already had evidence of dominion and control and should not need more. Brief at 41. Foley cites no authority indicating that an investigating police officer should desist her efforts if she already has evidence on a point of investigation.

Dominion and control is an acceptable and particular type of evidence that may be sought. *See State v. Fairley,* 12

Wn. App.2d 315, 322, 457 P.3d 1150 (2020) ("The particularity requirement envisions a warrant will describe items to be seized with as much specificity as possible."); *see also Warden v. Hayden,* 387 U.S. 294, 307, 18 L. Ed. 2d 782, 87 S. Ct. 1642 (1967) (A warrant may authorize seizure of evidence establishing a nexus between the suspect and the crime.). And, as before, Foley has no answer for the detective's sworn assertion that evidence from a cellphone is often found in unlikely places. Foley's dominion and control argument fails.

Foley argues, citing *State v. Besola*, 184 Wn.2d 605, 359 P.3d 799 (2015), that the particularity insufficiency he alleges cannot be cured by reference to the statutory citations. Brief at 43. In *Besola,* The Supreme Court disapproved of a search provision allowing seizure of (authorization to search is not discussed) "Any and all printed pornographic materials." 184 Wn.2d at 608 ("The defendants are correct that the portions of the warrant related to printed materials are insufficiently particular under our holding from *Perrone*." at 611). The

authorization swept up legal/adult pornography.

Besola is distinct from the present case. There, the offending authorization to seize is clearly ambiguous on its face. Applying the sort of authorization in B*esola* in the present case would result in an authorization like "seize all electronic devices found at 522 NE, etc.," which would be clearly overbroad when the target of the warrant was in fact just the single phone. The single phone was identified and that phone was seized where there was no danger of seizing the wrong device or any other evidence. Foley's argument from *Besola* fails.

Foley seeks to separately challenge the "execution" of the warrant alleging that the trial court improperly refused to consider his claim that the first warrant was improperly executed. Brief at 46. Foley is correct in the assertion that the trial court rejected his offer of oral testimony on the issue. CP 168, footnote 17. The trial court is correct in that Foley advanced insufficient proof of deliberate falsehood or reckless

disregard for the truth. Id. both here and below Foley fails to establish the threshold facts necessary to apply the rule he advances here.

Foley asserts the proposition that when an accused person "raises the possibility that the search exceeded the warrant's authority, the burden shifts to the State to show that the warrant was properly executed." Brief at 48. Foley cites *Zuniga-Perez v. Sessions*, 897 F.3d 114, 123 (2d Cir. 2018) in support of the argument.

The *Zuniga-Perez* matter was an appeal from an immigration court. In that context, petitioners were required by federal law to show an "egregious" violation of the Fourth Amendment in order for the exclusionary rule to apply. 897 F.3d at 124.

The *Zuniga-Perez* Court announced the rule Foley wishes to apply in this case:

> A petitioner seeking to suppress evidence in a removal proceeding initially bears the burden of coming forward with proof "establishing a prima facie case." *Matter of*

> *Barcenas*, 19 I. & N. Dec. 609, 611 (B.I.A. 1988) (*quoting Matter of Burgos*, 15 I. & N. Dec. 278, 279 (B.I.A. 1975)); *accord Cotzojay*, 725 F.3d at 178. A petitioner must first provide an affidavit that, taken as true, "could support a basis for excluding the evidence." *Cotzojay*, 725 F.3d at 178 (emphasis added) (citation omitted); *accord Maldonado*, 763 F.3d at 162. If the affidavit is sufficient, the petitioner is entitled to "an opportunity to confirm those allegations in an evidentiary hearing." *Maldonado*, 763 F.3d at 162. Once a petitioner makes out a prima facie case, the burden shifts to the Government "to show why the evidence in question should be admitted." *Cotzojay*, 725 F.3d at 178. In deciding whether the burden shifts, the evidence and facts alleged must be viewed "most favorably to [the] petitioner." *Almeida-Amaral*, 461 F.3d at 237.

897 F.3d at 125. Foley presented no affidavit that, taken as true, establishes a prima facie case that could support a basis for excluding the evidence. On this record, he cannot.

The present record contains no prima facie evidence that the detectives in this case improperly executed the warrant. First, execution of the first warrant had nothing to do with search protocols for child pornography case. Brief at 49. Foley first alleges that there's evidence of improper execution because detective Birkenfeld began searching the phone. Admitting that the had not personally read the warrant at the time, detective

Birkenfeld explained "What I did is I asked Detective Swayze, what did the warrant encompass? What were the items to be searched? Of those were included, were photos and I believe videos pertaining to the victim in his case." CP 132. Thus, the detective's failure to read the actual warrant is not nefarious; his fellow officer advised him, accurately, of the probable cause. *See, e.g., State v. Ortega,* 177 Wn.2d 116, 126, 297 P.3d 57 (2013) (rule does not apply to probable cause to arrest for misdemeanor but by implication applies to felony probable cause).

These facts establish only that detective Birkenfeld was in fact executing the warrant, not that there was an infirmity in that execution.

Detective Swayze answers the claim that his search of the phone prior to the second warrant needs scrutiny: he had authority of law to search the phone for evidence of the crimes of cyberstalking and posting revenge porn from the first warrant. IIRP 282. Foley argues that the investigation of the

crimes alleged in the first warrant should be scrutinized because detective Swayze continued that investigation. This does not provide prima facie evidence, or any evidence at all, that Swayze's execution of the first warrant was in any way improper. It merely shows, again, that it was in fact executed.

Even if the burden shifting rule is applicable, Foley fails either here or below to establish prima facie evidence to require the shifting of the burden. Foley's argument proceeds on the supposition that something was done incorrectly; he identifies nothing. This issue fails.

Finally, Foley claims that the second warrant is tainted by the infirmities in the first warrant. The state concedes the legal point if true that the first warrant was infirm. But not the factual point that it was infirm. The detectives herein properly sought a warrant on sufficient probable cause based on a months long investigation and the warrant issued particularly describing the things to be searched and seized. Foley advances no information indicating that any search of the phone was

improperly executed. The first warrant is not infirm and therefore does not taint the second warrant.

B. DOUBLE JEOPARDY

Foley claims double jeopardy was violated when the trial court dismissed counts XI-XIII "without prejudice." Foley also claims that double jeopardy is offended by sentencing him for one count of second degree possession of depictions in violation of the unit of prosecution for that offense. This claim is without merit because the separate crimes in each of the two degrees have each been given a unit of prosecution by the Legislature. The legislature purposefully enacted a different unit of prosecution for the two separate crimes of first degree and second degree possession of depictions.

In *State v. Taylor,* 150 Wn.2d 599, 604, 80 P.3d 605 (2003), the Supreme Court held that

> An order dismissing a criminal prosecution without prejudice is not a final appealable order per RAP 2.2. Further, an individual whose criminal prosecution was

> dismissed without prejudice is not an aggrieved party who may seek discretionary review of the dismissal.

The state has found no holding to the contrary. Foley's first double jeopardy claim is not appealable.

Review of a question of the unit of prosecution implicates double jeopardy and is reviewed de novo. *State v. Sutherby*, 165 Wn.2d 870, 878, 204 P.3d 916 (2009). "Both double jeopardy clauses [United States and Washington] prohibit multiple convictions under the same statute if the defendant commits only one unit of the crime." Id. (alteration added). "In applying the unit of prosecution analysis, courts look to discern the evil the legislature has criminalized." *State v. Novick*, 196 Wn. App. 513, 522, 384 P.3d 252 (2016) (citation omitted) *review denied* 187 Wn.2d 1021 (2017). "The focus of this court's inquiry is on the actual act necessary to commit the crime." Id.

A unit of prosecution issue is one of statutory construction and legislative intent. *Sutherby*, 165 Wn.2d at 878. Lenity is applied "[i]f a statute does not clearly and

unambiguously identify the unit of prosecution." 165 Wn.2d at 878-79. In *Sutherby*, it was held that the Legislature had failed to be clear and unambiguous on the unit of prosecution in the possession of depictions statute and, therefore, lenity commanded the result of finding one unit for each instance of possession regardless of the number of images in that instance of possession. 165 Wn.2d at 882.

The legislature clearly and unambiguously responded to this holding and included units of prosecution for each degree. RCW 9.68A.070, in relevant part, provides:

> (1)(a) Except as provided in subsections (3) and (4) of this section, a person commits the crime of possession of depictions of a minor engaged in sexually explicit conduct in the first degree when he or she knowingly possesses a visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (e).
>
> (b) Possession of depictions of a minor engaged in sexually explicit conduct in the first degree is a class B felony punishable under chapter 9A.20 RCW.
>
> (c) For the purposes of determining the unit of prosecution under this subsection, each depiction or image of visual or printed matter constitutes a separate offense.

> (2)(a) Except as provided in subsections (3) and (4) of this section, a person commits the crime of possession of depictions of a minor engaged in sexually explicit conduct in the second degree when he or she knowingly possesses any visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g).
>
> (b) Possession of depictions of a minor engaged in sexually explicit conduct in the second degree is a class B felony punishable under chapter 9A.20 RCW.
>
> (c) For the purposes of determining the unit of prosecution under this subsection, each incident of possession of one or more depictions or images of visual or printed matter constitutes a separate offense.

The referenced definitional statute, RCW 9.68A.011, provides:

> (4) "Sexually explicit conduct" means actual or simulated:
>
> (a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals;
>
> (b) Penetration of the vagina or rectum by any object;
>
> (c) Masturbation;
>
> (d) Sadomasochistic abuse;
>
> (e) Defecation or urination for the purpose of sexual stimulation of the viewer;
>
> (f) Depiction of the genitals or unclothed pubic or rectal areas of any minor, or the unclothed breast of a female minor, for the purpose of sexual stimulation of the

> viewer. For the purposes of this subsection (4)(f), it is not necessary that the minor know that he or she is participating in the described conduct, or any aspect of it; and
>
> (g) Touching of a person's clothed or unclothed genitals, pubic area, buttocks, or breast area for the purpose of sexual stimulation of the viewer.

The two degrees describe and criminalize distinct behavior. First degree requires proof of (a) through (e) in the definitional statute, not either (f) or (g); for second degree only proof (f) and (g) support conviction. These offenses are not the same in either law or fact: each includes an element that the other does not and a person can be guilty of either without being guilty of the other. *State v. Gocken*, 127 Wn.2d 95, 101, 896 P.2d 1267 (1995); *see also Blockburger v. United States*, 284 U.S. 299, 76 L.Ed. 306, 52 S.Ct. 180 (1932).

RCW 9.68A.070 creates two offenses and clearly distinguishes the unit of prosecution amongst them. Foley was properly sentenced.

C. COMMUNITY CUSTODY CONDITIONS

Foley claims certain community custody conditions must be stricken because vague, overbroad, or not sufficiently crime related.

Generally, the imposition of community custody conditions is reviewed for abuse of discretion and that discretion is abused by the imposition of an unconstitutional condition. *State v. Hai Minh Nguyen*, 191 Wn.2d 671, 678, 425 P.3d 847 (2018). But, dem nvo review is applied to the question of "[w]hether the trial court had statutory authorization to impose a community custody condition. *State v. Armendariz*, 160 Wn.2d 106, 110, 156 P.3d 201 (2007). A community custody condition is unconstitutionally vague if it fails to describe what is prohibited with sufficient definiteness to allow an ordinary person to understand what conduct is proscribed or if it does not provide ascertainable standards that protect against arbitrary enforcement. *Nguyen*, 191 Wn.2d at 678; see also *State v. Padilla*, 190 Wn.2d 672, 677, 416 P.3d 712 (2018).

However, "A community custody condition is not unconstitutionally vague merely because a person cannot predict with complete certainty the exact point at which his actions would be classified as prohibited conduct." 191 Wn.2d at 679. But a stricter standard of definiteness is required if the condition impacts access First Amendment material. Id. A law that impacts First Amendment rights must be narrowly tailored to serve significant governmental interests. *Packingham v. North Carolina*, __ U.S. __, 137 S.Ct. 1730, 1736, 198 L.Ed.2d 273 (2017).

But

> it can be assumed that the First Amendment permits a State to enact specific, narrowly tailored laws that prohibit a sex offender from engaging in conduct that often presages a sexual crime, like contacting a minor or using a website to gather information about a minor. Specific laws of that type must be the State's first resort to ward off the serious harm that sexual crimes inflict.

Johnson, 197 Wn.2d at 746, *quoting Packingham v. North Carolina, supra* at 137 S.Ct. 1737.

Moreover,

> When reviewing the challenged language to determine if it is sufficiently definite to provide fair warning, the court must read the language in context and give it a "sensible, meaningful, and practical interpretation.

State v. Forler, 9 Wn. App.2d 1020, 12, __P.3d __, (2019), *citing City of Spokane v. Douglass*, 115 Wn.2d 171, 180, 795 P.2d 693 (1990). "Limitations upon fundamental rights are permissible, provided they are imposed sensitively." *State v. Johnson,* 197 Wn.2d 740, 744, 487 P.3d 893 (2021).

Within this constitutional framework, a sentencing court may impose "any crime-related prohibitions." RCW 9.94A.703(3)(f). A crime-related prohibition is an order that prohibits "conduct that directly relates to the crime for which the offender has been convicted." RCW 9.94A.030(10). The word "directly" does not require that the condition be causally related to the crime. *See State v. Autry*, 136 Wn. App. 460, 467, 150 P.3d 580 (2006). As noted, conditions that interfere with fundamental rights must be "reasonably necessary to accomplish the essential needs of the State and public order." *State v. Warren*, 165 Wn.2d 17, 32, 195 P.3d 940 (2008). At

bottom, "There must be no reasonable alternative way to achieve the State's interest." *Warren*, 165 Wn.2d at 34-35.

Further, as presaged by the above quote from *Packingham*, the Supreme Court has noted that crime relatedness has two aspects. Conditions of sentence are crime related if they are directed at the particular criminal behavior and are crime related if they serve a rehabilitative purpose. *See Nguyen, supra*. RCW 9.94A.703 provides authority for a trial court to order a convict to perform affirmative conduct that is reasonably related to the offense's circumstances and also reasonably related to the risk of reoffending or community safety. *See State v. Jones*, 118 Wn. App. 199, 208, 76 P.3d 258 (2003).

First, Foley challenges the prohibition from "sexually exploitive materials." The state has no further definition to provide for this phrase; the phrase is vague as written. However, the crime of sexual exploitation of a minor can provide content to such a prohibition. RCW 9.68A.040

provides

> (1) A person is guilty of sexual exploitation of a minor if the person:
>
> (a) Compels a minor by threat or force to engage in sexually explicit conduct, knowing that such conduct will be photographed or part of a live performance;
>
> (b) Aids, invites, employs, authorizes, or causes a minor to engage in sexually explicit conduct, knowing that such conduct will be photographed or part of a live performance; or
>
> (c) Being a parent, legal guardian, or person having custody or control of a minor, permits the minor to engage in sexually explicit conduct, knowing that the conduct will be photographed or part of a live performance.

Foley should be ordered to not possess or access materials depicting the sexual exploitation of minors as defined by RCW 9.68A.040. Such a prohibition serves both the direct relationship and rehabilitative relationship identified in *Nguyen.*

Foley claims that the prohibition against possessing or accessing "sexually explicit materials" is overbroad and not crime-related. Foley concedes that this provision was further defined in the judgment and sentence. CP 420. Here, again, the state relies on the Supreme Court's analysis in *State v. Hai*

Minh Nguyen, 191 Wn.2d 671, 678, 425 P.3d 847 (2018).

As Foley notes, the condition is not unconstitutionally vague. 191 Wn.2d at 681. Further, contrary to Foley's position, a piece of the Supreme Court's analysis is the finding that "persons of ordinary intelligence can discern "sexually explicit material" from works of art and anthropological significance." 191 Wn.2d at 680-81.

Nguyen also challenged the crime related aspect of the condition as not directly related to the circumstances of his crime. *Nguyen,* 191 Wn.2d at 684. The Court held

> Here, we find no abuse of discretion. Nguyen committed sex crimes and, in doing so, established his inability to control his sexual urges. It is both logical and reasonable to conclude that a convicted person who cannot suppress sexual urges should be prohibited from accessing "sexually explicit materials," the only purpose of which is to invoke sexual stimulation.
>
> ¶ 35 Furthermore, because Nguyen's crimes of conviction were sex crimes, it is likely that a sexual deviancy program would order such conditions, even if a judge did not.
>
> ¶ 36 We hold that the community custody condition prohibiting Nguyen from possessing or viewing "sexually explicit material" is sufficiently crime related.

191 Wn.2d at 686. This holding applies to Foley. The prohibition on possessing or accessing "sexually explicit materials" should remain.

Foley contends that the prohibition from possessing or accessing "information pertaining to minors via computer (i.e., internet)" is vague and overbroad. First, this is a child porn case, in which the offending images were electronically possessed. Restricting Foley from contact with children in any forum is crime related; restricting him from children on electronic devices is also crime related, but less restrictive. And, as Foley's argument reveals, he has no problem understanding the scope of the prohibition—Foley is in fact prohibited from electronically looking up information about children.[7]

The *Packingham* Court provides authority. As quoted above, the Court said

[7] The question arises as to what sorts of "information" about children would serve to titillate an offender with a propensity to

> it can be assumed that the First Amendment permits a State to enact specific, narrowly tailored laws that prohibit a sex offender from engaging in conduct that often presages a sexual crime, like contacting a minor or using a website to gather information about a minor. Specific laws of that type must be the State's first resort to ward off the serious harm that sexual crimes inflict.

137 S.Ct. at 1737 (emphasis added). In the present application, the holding in *Nguyen* and *Packingham* supply authority for this condition. It is as clear, and as broad, as it is intended to be. This condition should remain.

Next, Foley is correct that the requirement to submit to breath test must be stricken. The trial court crossed off the otherwise boilerplate condition in the judgment and sentence regarding alcohol possession or use and did not order an alcohol or substance abuse evaluation. CP 411.

Finally, Foley challenges the provision providing that his CCO may recommend treatment. First the entire provision should be considered. Foley is to "Complete a psychosexual evaluation and follow through with all treatment recommended

---

child pornography.

by CCO and/or treatment provider." CP 411. Condition 12 in appendix f provides further content

> Obtain a psychosexual evaluation. . .and successfully complete any and all recommended treatment. Follow all conditions imposed by the sexual deviancy treatment provider and Community Corrections Officer.

CP 419. Inordinate discretion is not granted to the Department of Corrections.

In *State v. Autry*, 136 Wn. App. 460, 150 P.3d 580 (2006), a condition requiring authorization for sexual partners was attacked on the grounds of crime relatedness and vagueness. The arbitrary enforcement part of vagueness was argued in terms of improper delegation of the trial court's authority. *Autry*, 136 Wn. App. at 468-69. The Court applied the rule that

> While it is the function of the judiciary to determine guilt and impose sentences, the execution of the sentence and the application of the various provisions for the mitigation of punishment and the reformation of the offender are administrative in character and are properly exercised by an administrative body.

136 Wn. App. at 468-69 (internal quotation and page break

omitted). And the Court held that

> Here, the court properly delegated therapeutic decisions, including the appropriateness of Mr. Autrey and Mr. Abbott's sexual partners, to the therapists (and CCO in Mr. Autrey's case). It is well settled that some delegation of the court's power is permitted, and if the condition of approval before sexual contact is permitted for treatment purposes, assigning the responsibility of such approval to Mr. Autrey and Mr. Abbott's therapist (and Mr. Autrey's CCO) would not constitute an excessive delegation.

136 Wn. App. at 469. The Court observed that "If, after their release, the supervision as applied appears intrusive as appellants fear, they may seek a sentencing condition review." Id.

The two provisions relating to the CCO's ability to recommend treatment sufficiently cabin the CCO's discretion to matters following from the results of appropriate evaluations. Absent the provision, the CCO could not require the offender to engage the treatment recommended by the evaluator by, for instance, requiring the offender to seek out a treatment provider. The conditions proceed from an understanding of the collaborative nature of a successful treatment outcome.

Moreover, these conditions enable the statutory command that "The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of community custody based upon the risk to community safety." RCW 9.94A.704(2)(a). Finally, it is manifest that a treatment provider as such is not charged with the responsibility of assuring strict compliance with the trial court's orders—whether in the treatment context or otherwise, that role falls to the CCO. The condition allowing the CCO to require recommended treatment should remain.

D. THE SUPERVISION FEE SHOULD BE STRICKEN.

The state concedes that the supervision fee is a discretionary legal financial obligation. The record supports the trial court's knowledge that Foley was indigent. The supervision fee was improvidently included and should be stricken.

E. FOLEY'S ASSIGNMENTS OF ERROR REGARDING THE TRIAL COURT'S FINDINGS AND CONCLUSIONS ARE NOT SUPPORTED BY ARGUMENT THAT ADDRESSES THE LEGAL STANDARD.

Foley assigns error to numerous findings and conclusions made by the trial court in deciding his suppression motions. Foley addresses these assignments of error in footnotes sprinkled throughout his brief.

Primarily, Foley's footnotes indicate his disagreement with the import of the facts found. Some are supported by reference to *State v. Pines,* 17 Wn. Ap.2d 483, 487 P.3d 196 (2021). *See e.g.,* at p. 3, challenging finding 1.9; at pp. 25-26, challenging finding 1.15. There, the rule is stated that

> We review a trial court's findings of fact at a suppression hearing for "substantial evidence," which is such evidence that would persuade a rational, fair-minded individual of the truth of the finding.

17 Wn. App.2d at 489. Foley makes no argument addressing this standard.

Each of the challenged findings and conclusion is

supported by evidence in the record that would persuade a rational, fair-minded individual of the truth of the finding.

IV. CONCLUSION

For the foregoing reasons, Foley's conviction and sentence should be affirmed.

V. CERTIFICATION

This document contains 9764 words, excluding the parts of the document exempted from the word count by RAP 18.17.

DATED July 5, 2022.

Respectfully submitted,

CHAD M. ENRIGHT
Prosecuting Attorney

John L. Cross
WSBA No. 20142
Deputy Prosecuting Attorney
kcpa@co.kitsap.wa.us

KITSAP COUNTY PROSECUTOR'S OFFICE - CRIMINAL DIVISION

July 05, 2022 - 2:58 PM

Transmittal Information

Filed with Court:	Court of Appeals Division II
Appellate Court Case Number:	56498-0
Appellate Court Case Title:	State of Washington, Respondent v. Timothy Michael Foley, Appellant
Superior Court Case Number:	20-1-00277-0

The following documents have been uploaded:

- 564980_Briefs_20220705145729D2164470_8828.pdf
  This File Contains:
  Briefs - Respondents
  The Original File Name was State of Washington v Timothy Michael Foley 56498-0-II.pdf

A copy of the uploaded files will be sent to:

- KCPA@co.kitsap.wa.us
- backlundmistry1@gmail.com
- backlundmistry@gmail.com
- rsutton@kitsap.gov

Comments:

Sender Name: Sheri Burdue - Email: siburdue@co.kitsap.wa.us
Filing on Behalf of: John L. Cross - Email: jcross@kitsap.gov (Alternate Email:)

Address:
614 Division Street, MS-35
Port Orchard, WA, 98366
Phone: (360) 337-7171

Note: The Filing Id is 20220705145729D2164470